IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.504 OF 2005
IN
SUMMARY SUIT NO.1696 OF 2005

Dilip Narendra Chavan ..Plaintiff

Vs.

Singer India Ltd. and Ors. ..Defendants

Mr.J.P.Thakkar for the plaintiff

Ms.Rekha Tawade i/b M.V.Kini for the defendants

CORAM : S.U.KAMDAR, J
DATED : 24TH JANUARY, 2006

P.C.:

1. The present suit is filed for recovery of commission charges in respect of machines sold and delivered by the plaintiff manufactured by defendants herein. Reliance has been placed on the offers in respect of sewing machines which are forming part of Ex.A, A1, A2, A3 etc. The said offers admittedly are issued in general and are incentive scheme of the defendant. There was no contract between the plaintiff and defendant for payment of any amount of commission charges as claimed by plaintiff herein. The said amount which is worked out on the basis of credit note is also

unilaterally prepared by the plaintiff themselves which is at Ex.B to the plaint. In that light of the matter, it cannot be stated that there is a liquidated amount due and payable on a written contract. In view thereof, summons for judgment is dismissed accordingly. Unconditional leave to defend is granted.

2. Suit to be transferred to the list of Commercial Causes. Written Statement or points of defence to be filed within four weeks from today. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.